

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS & ST. JOHN**

<b>BRETT JEFFERSON,</b>	)	
	)	
	)	
	<b>Plaintiff,</b>	)
	)	)
<b>vs.</b>	)	<b>CIVIL NO. ST-10-CV-413</b>
	)	
<b>GRANDE BAY RESORT CONDOMINIUM</b>	)	
<b>ASSOCIATION, INC, BAY ISLES ASSOCIATES,</b>	)	
<b>LLLP, THOMAS HILL, individually, JOHN</b>	)	
<b>JORDAN, individually.</b>	)	
	)	
	<b>Defendants.</b>	)
	)	

**NOTICE OF REMOVAL OF ACTION**

Defendants Grande Bay Resort Condominium Association, Inc., Bay Isles Associates, LLLP, Thomas Hill, and John Jordan (collectively, “Defendants”), through their undersigned attorneys, hereby gives notice of the removal of the above-captioned action, pursuant to 28 U.S.C. §§ 1441 and 1446, to the District Court of the Virgin Islands, Division of St. Thomas and St. John. As grounds for removal, Defendants state as follows:

**I. PROCEDURAL HISTORY**

1. On or about July 20, 2010, Plaintiff Brett Jefferson (“Jefferson”) commenced a civil action against Grande Bay Resort Condominium Association, Inc., Bay Isles Associates, LLLP, Thomas Hill, and John Jordan. The action was filed in the Superior Court of the Virgin Islands, Division of St. Thomas and St. John, Civil No. ST-10-CV-413 (the “Jefferson Lawsuit”).

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2. On July 27, 2010, the resident agent for Grande Bay Resort Condominium Association (the “Association”) received the summons and complaint via regular mail. A copy of the letter addressed to William McConnell is attached as Exhibit 1 and incorporated by reference. This constituted the first notification to the Association concerning the Jefferson Lawsuit. Accordingly, pursuant to 28 U.S.C. § 1446 (b), this Notice of Removal has been filed within 30 days after first notice by any defendant of the civil action. As of the date of this filing, formal service of the Complaint has not been effectuated on the Association.

3. On July 28, 2010, the resident agent for Bay Isles Associates, LLLP (“Bay Isles”) received a copy of the summons and complaint via regular mail. A copy of the letter addressed to Marjorie Rawls Roberts is attached as Exhibit 2 and incorporated by reference. This constituted the first notification of Bay Isles concerning the Jefferson Lawsuit. Formal service of the Complaint was effectuated on Bay Isles on August 26, 2010. A copy of the summons and complaint delivered to Bay Isles on August 26, 2010, together with the cover letter, are attached as Exhibit 3.

4. On July 30, 2010, John Jordan received a copy of the complaint and a request for waiver of the summons, which did not comply with Rule 4 of the Federal Rules of Civil Procedure. A copy of the request for waiver addressed to John Jordan is attached as Exhibit 4. As of the date of this filing, formal service of the Complaint has not been effectuated on Jordan.

5. On July \_\_, 2010, Thomas Hill received a copy of the complaint and a request for waiver of the summons, which did not comply with Rule 4 of the Federal Rules of Civil Procedure. A copy of the request for waiver addressed to Thomas Hill is attached as Exhibit 5. As of the date of this filing, formal service of the Complaint has not been effectuated on Hill.

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6. The District Court of the Virgin Islands has original jurisdiction of this case under 28 U.S.C. §1332(a), which provides in pertinent part as follows:

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between --

(1) citizens of different states;

...

## **II. AMOUNT IN CONTROVERSY**

7. Based on the allegations of the Complaint, the amount in controversy in this action exceeds the sum or value of \$75,000, exclusive of interests and costs. Plaintiff seeks compensatory damages, actual damages and punitive damages. Complaint at 11-12.

## **III. CITIZENSHIP OF THE PARTIES**

5. According to the Complaint, Jefferson is a citizen of New York. Complaint at ¶ 1.

6. Grande Bay Resort Condominium Association is a condominium association created and existing under the laws of the Virgin Islands. Complaint at ¶ 2. As such, it is not a citizen of New York.

7. Bay Isles Associates LLLP is a Virgin Islands limited liability limited partnership. Complaint at ¶ 3. As such, it is not a citizen of New York.

8. Thomas Hill is a resident of Maryland. Complaint at ¶ 4. As such, he is not a citizen of New York.

9. John Jordan is a resident of Maryland. Complaint at ¶ 4. As such, he is not a citizen of New York.

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**IV. CONCLUSION**

For all the foregoing reasons, Defendants state that this Court should assume its original subject-matter jurisdiction pursuant to 28 U.S.C. §1332, as there is complete diversity of citizenship between plaintiff who is a citizen of New York, and the Defendants, none of whom are citizens of New York. Moreover, the matter in controversy exceeds the sum or value of \$75,000 exclusive of interest and costs.

Respectfully submitted,

DATED: August 26, 2010

**OGLETREE, DEAKINS, NASH, SMOAK & STEWART, LLC**

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Bay Isles Associates, LLLP  
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DATED: August 26, 2010

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Attorneys for Thomas Hill and John Jordan

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**CERTIFICATE OF SERVICE**

I do hereby certify that on this 26th day of August, 2010, a true and correct copy of the foregoing document was served by placing same in the United States mail, postage prepaid, addressed to:

Christopher Allen Kroblin, Esq.  
**ERIKA A. KELLERHALS, P.C.**  
P.O. Box 608  
St.Thomas, Virgin Islands 00804-0608

\_\_\_\_\_/s/ Simone R.D. Francis\_\_\_\_\_